

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

YEGOROV DMITRIY,

No. 2:20-cv-0076 KJM DB PS

Plaintiff,

V.

FEDERAL COURT and EASTERN
DISTRICT,

Defendants.

FINDINGS AND RECOMMENDATIONS

Plaintiff Yegorov Dmitriy is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). By order signed April 3, 2020 plaintiff's complaint was dismissed, and plaintiff was granted leave to file an amended complaint that cured the defects noted in that order. (ECF No. 3.) Plaintiff was granted sixty days from the date of that order to file an amended complaint and was specifically cautioned that the failure to respond to the court's order in a timely manner would result in a recommendation that this action be dismissed. (*Id.* at 5.) The sixty-day period has expired, and plaintiff has not responded to the court's order in any manner.

Although it appears from the docket that plaintiff's copy of the order was returned as undeliverable plaintiff was properly served. It is the plaintiff's responsibility to keep the court

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1 apprised of plaintiff's current address at all times. Pursuant to Local Rule 182(f), service of
2 documents at the record address of the party is fully effective.

3 Moreover, when a party fails to notify the court of a change of current address within
4 sixty-three days the court may dismiss the action without prejudice for failure to prosecute. Local
5 Rule 183(b). Here, more than sixty-three days have passed since plaintiff's mail was returned and
6 plaintiff has not provided a current address.

7 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without
8 prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

9 These findings and recommendations will be submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after
11 being served with these findings and recommendations, plaintiff may file written objections with
12 the court. A document containing objections should be titled "Objections to Magistrate Judge's
13 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
14 specified time may, under certain circumstances, waive the right to appeal the District Court's
15 order. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

16 Dated: October 12, 2020



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18 DEBORAH BARNES
19 UNITED STATES MAGISTRATE JUDGE
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